



PATENT
Attorney Docket No.: NAGACO.076APC
Date: August 20, 2004
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SEP 11 2004
TC 1700

REQUEST FOR CONTINUED EXAMINATION (RCE)
UNDER 37 C.F.R. § 1.114

Applicant: John Francis Gordon
Application Number: 09/284,421
Filing Date: June 11, 1999
Title: APPARATUS AND METHOD FOR
CONDUCTING ASSAYS
Examiner Name: Patricia K. Bex
Group Art Unit: 1743

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Mail Stop RCE, Alexandria, VA 22313-1450, on

August 20, 2004

(Date)

Drew S. Hamilton
Drew S. Hamilton, Reg. No. 29,801

Commissioner for Patents
P.O. Box 1450
Mail Stop RCE
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission Required under 37 C.F.R. § 1.114:

(X) Enclosed:

- (X) Amendment/Reply
- (X) Declaration in Support of Revival of U.S. Patent Application No. 09/284,421 (Richard Burstein)
- (X) Declaration in Support of Revival of U.S. Patent Application No. 09/284,421 (Drew S. Hamilton)
- (X) Return Postcard

08/25/2004 JADD01 00000024 111410 09284421

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385.00 OP

2. Fees:

CLAIMS AS FILED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	37	—	111	= 0 ×	\$9	= \$0
Independent Claims	3	—	13	= 0 ×	\$43	= \$0
Time Extension Fee						\$0
Request for Continued Examination Fee						\$385
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$385

(X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.

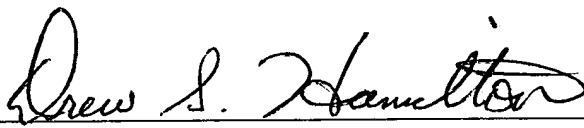
3. Payment:

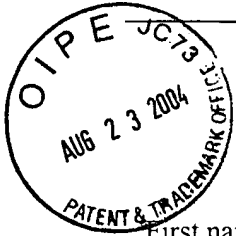
(X) Check in the amount of \$385 to cover the above fees.

(X) The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 and § 1.17 which may be required, now or in the future, or credit any overpayment to Deposit Account No. 11-1410.

Address all future communications to Customer No. 20,995.

Dated: Aug 20, 2004


Drew S. Hamilton
Registration No. 29,801
Attorney of Record
Customer No. 20,995
(619) 235-8550



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

First named inventor : John Francis Gordon
App. No. : 09/284,421
Filed : June 11, 1999
Title : APPARATUS AND
METHOD FOR
CONDUCTING ASSAYS
Examiner : Patricia K. Bex

Group Art Unit: 1743

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August 20, 2004

Drew S. Hamilton
(Date)
Drew S. Hamilton, Reg. No. Drew S. Hamilton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Mail Stop DAC

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The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on May 20, 2003, which set a November 20, 2003 period for response. The abandonment date of this application is August 21, 2003 (i.e., the day after the expiration of the date of the period set for response, plus any extensions of time obtained therefor).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee
(X) Small entity - fee \$665
The present application qualifies for small entity status under 37 C.F.R. § 1.27.
2. The proposed response and/or fee to the above-noted Office Action in the form of Amendment is enclosed herewith.
3. Also enclosed are:
 - (X) Power of Attorney from Burstein Technologies, Inc.
 - (X) Power of Attorney from Nagaoka & Co., Ltd.
 - (X) Statement Under 37 C.F.R. § 3.73(b)

4. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. In support of the Petition, enclosed herewith are the following documents:

(X) Declaration in Support of Revival of U.S. Patent Application No. 09/284,421 – Richard Burstein

(X) Declaration in Support of Revival of U.S. Patent Application No. 09/284,421 – Drew S. Hamilton

(X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

(X) Return prepaid postcard.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Aug. 20, 2004

By: 

Drew S. Hamilton
Registration No. Drew S. Hamilton
Attorney of Record
Customer No. 20,995
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